

NOT INCLUDED
IN BOUND VOLUMES

LBH
Philadelphia, PA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

C and D ENTERPRISES, INC.,
d/b/a C&D SECURITY

Employer

and

Case 4-RC-21636

UNITED GOVERNMENT SECURITY OFFICERS
OF AMERICA, INTERNATIONAL UNION

Petitioner

and

INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA,
LOCAL 444 (SPFPA)

Union Involved

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered objections to a mail-ballot election held between February 1 and February 18, 2010, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 68 ballots cast for the Petitioner, United Government Security Officers of America, International Union; 19 ballots cast for the Union Involved, International

Union, Security, Police, and Fire Professionals of America, Local 444 (SPFPA); and 3 ballots cast against the participating labor organizations. There were no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings¹ and recommendations,² and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for United Government Security Officers of America,

¹ In the absence of exceptions, we adopt pro forma the hearing officer's overruling of SPFPA's Objections 1, 5, 6, 7, 8, 9, 10, and 13.

² The hearing officer correctly recommended overruling SPFPA's Objection 2, alleging that the Employer impermissibly promised unit employees a pay raise. That pay raise had been previously negotiated with SPFPA, was included in its contract with the Employer, and the Employer made clear that it would be implemented regardless of the outcome of the election. The Employer therefore was simply affirming its statutory obligation to honor the pay raise. Cf. More Truck Lines, 336 NLRB 772, 772-774 (2001), *enfd.* 324 F.3d 735 (D.C. Cir. 2003) (employer violated Sec. 8(a)(1) and engaged in objectionable conduct when it told employees that if an outside union won the election, the employees would lose the scheduled wage increases that it had negotiated with the incumbent union).

The hearing officer also correctly recommended overruling SPFPA's Objections 3 and 4, alleging that the Employer restricted its access to unit employees at three buildings. Few employees witnessed the incidents at the buildings, there was no evidence of dissemination, and there was no evidence of the number of unit employees working in the buildings. In those circumstances, we find that SPFPA has not established a basis for setting aside the election, in which employees elected the Petitioner by a decisive margin. Further, we find it

International Union, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full time and regular part time security officers, corporals and sergeants employed by the Employer at its GSA sites in Philadelphia, Montgomery, Delaware, Bucks and Chester Counties, Pennsylvania, excluding all other employees, office clerical employees, lieutenants, captains and supervisors as defined in the Act.

Dated, Washington, D.C., September 28, 2010.

Wilma B. Liebman,	Chairman
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Craig Becker,	Member
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Brian E. Hayes,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

unnecessary to rely on the hearing officer's discussion of alternative means of communication available to SPFPA.